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BEFORE THE ARIZONA CORPORATION COMMISSION

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Chairman

JIM IRVIN

Commissioner

WILLIAM A. MUNDELL

Commissioner

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Arizona Corporation Commission
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IN THE MATTER OF U S WEST)
 COMMUNICATIONS, INC.'S)
 COMPLIANCE WITH § 271 OF THE)
 TELECOMMUNICATIONS ACT OF)
 1996)

Docket No. T-000003-97-0238

**U S WEST'S RESPONSE TO
 JOINT MOTION FOR ALTERNATIVE
 PROCEDURAL ORDER**

U S WEST Communications, Inc. ("U S WEST") hereby responds to the Joint Motion for Alternative Procedural Order. U S WEST has no objection to addressing the remaining issues in this case during workshops. In fact, U S WEST supports the concept. To date, the workshop process in this case has worked relatively well and, therefore, should be used to resolve all remaining issues in this case.

U S WEST does, however, have two objections to the Joint Motion. First, all of the issues in this case should be resolved expeditiously during workshops, not just the 7 checklist items enumerated in the Joint Motion. Second, there is no reason to add the additional step of intermediate review of issues. The entity presiding over the workshops should write its report, and that report should then be immediately considered by the Commission. As the Commissioners recognized in the July 13, 1999 open meeting, it is the Commission's goal to process this case expeditiously. The Joint Motion proposes the unnecessary step of intermediate review which does nothing but delay final resolution by several months.

The intermediate review is simply not necessary here because this is not a traditional adjudicatory proceeding. In traditional cases, the Hearing Division conducts the evidentiary

hearings and, based upon that evidence, makes a recommendation to the Commission. Then exceptions are filed, and the Commission makes the final decision. This is not a traditional case. The Commission is not making the final decision on U S WEST's application. That decision will be made by the FCC. The Commission will be making a recommendation to the FCC, which will be considered by the FCC along with the comments of other parties, including U S WEST, CLECs and the Department of Justice.

The procedure envisioned by the Joint Motion is as follows:

- The Staff will issue a recommendation on 7 of the 14 checklist items, and parties will file exceptions,
- The Hearing Division will issue a recommendation on the Staff's recommendation, and parties will file exceptions,
- The Commission will consider the Hearing Division's recommendations and parties will file exceptions.
- This process may be repeated for the remaining 7 checklist items, Section 272 issues, "Track A" issues, and public interest issues following resolution of the first 7 checklist items. At a minimum, some additional process will be required to consider these remaining items.
- Only after all of this is complete will the Commission finally be in a position to make a recommendation to the FCC.

There is simply no question that this proposed process will result in unnecessary delay. Two aspects of the schedule create this delay. First, all aspects of section 271 (Track A, the 14-point checklist, section 272, and public interest), not just 7 checklist items, should be considered in workshops to begin immediately. Thus, U S WEST proposes that the Commission set a date to complete workshops on all aspects of this case such that there is no unnecessary delay in

submitting this matter to the FCC following OSS testing. Keeping to the current schedule will mean that U S WEST will be participating in a series of workshops even after OSS testing is complete. The schedule should allow completion of the workshops in advance of, or at worst contemporaneous with, the completion of OSS testing.

The second aspect of the proposed schedule that will add delay is the requirement for the Hearing Division to issue a recommendation about the Staff recommendation for use by the Commission in its recommendation to the FCC. The 271 process is already too long. If the current schedule is adopted, this application will have been pending before the Commission for more than a year before workshops on just 7 checklist items are completed. Then, the Joint Motion recommends that a procedure be set to consider the remaining checklist items, 272, Track A and public interest issues. Under the proposed schedule, only in the distant future will the Commission issue its recommendation to the FCC. Then U S WEST will file an application with the FCC, and the FCC process will take three more months. An additional several months will be added through the unnecessary step of having the Hearing Division issue a recommendation.

Furthermore, the Hearing Division will be issuing its recommendation based upon the recommendation of the Staff and the comments of the parties, which is exactly what the Commission must already do anyway. In traditional cases, the Hearing Division issues a recommendation because it is the entity hearing the evidence. That is not the case here. The Hearing Division will be basing its recommendation on exactly the same evidence, in the same form, as the Commission. There is no need for that process to take place more than once. The entity conducting the workshops and hearing the evidence, the Staff in this case, should be making the recommendation to the Commission.

U S WEST is not aware of any other state in the Union that has added an additional stage of review between the workshops and the Commission. There is nothing about the process in Arizona that requires this additional step. All it will do is unnecessarily delay the process.

As a result, U S WEST proposes the following procedure:

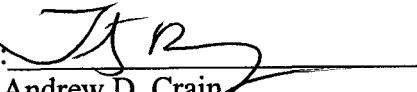
1. Workshops shall be held on all 271 issues: (1) each of the 14 checklist items, (2) Track A, (3) Section 272, and (4) public interest. All parties shall have the opportunity to file written comments and present oral comments on each checklist item. Parties shall also have full opportunity to question U S WEST regarding each checklist item.
2. The Commission Staff and DCI shall manage the workshops. The workshops shall be transcribed so that a formal record is produced. The workshops shall conclude by March 30, 2000. After each checklist item or issue is addressed, parties shall submit proposed findings of fact and conclusions of law for consideration by the Staff. The Staff shall file reports, all of which shall be completed by April 30, 2000, and those reports shall be considered by the Commission on or before May 31, 2000.
3. Staff shall submit its Report on OSS testing one month after testing is completed.

Utilizing this procedure will allow U S WEST and all of the intervenors to fully air each issue. At the same time, it will move the matter towards prompt resolution.

Dated this 2nd day of December, 1999.

RESPECTFULLY SUBMITTED,

U S WEST COMMUNICATIONS, INC.

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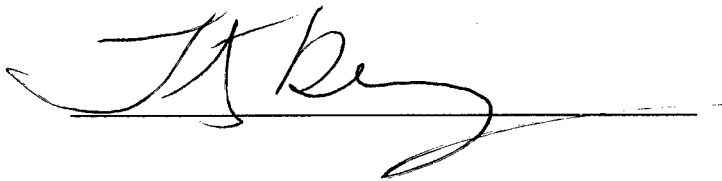
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A handwritten signature in black ink, appearing to read "J Scheltema", is written over a horizontal line.